

B 871

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITIONS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Danyel Hatch

DATE: MARCH 15, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yuan-Di Chang Halvorsen, et al.

Group Art Unit: 1651

Application No.: 09/585,821

Examiner: Sandra E. Saucier

Filed: June 1, 2000

Attorney Docket No. 59995-5002D11

Title: Methods and Compositions for the Differentiation of Human Preadipocytes into Adipocytes

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Withdraw Holding of Abandonment

Sir:

Pursuant to 37 C.F.R. §1.181(a) and MPEP §711.03(a), Applicants file this petition to withdraw the holding of abandonment mailed March 4, 2005 in the above-referenced patent application. The notice indicates that there was a failure to timely pay the required issue fee and publication fee within three months from the mailing date of the Notice of Allowance mailed on October 25, 2004.

It is respectfully submitted that no fee for this petition is due because the abandonment was due to an error at the Patent Office. However, the Commissioner is hereby authorized to charge any fees, or credit any overpayments, with regard to this Petition to Deposit Account No. 50-0573.

REMARKS

Timeliness of Petition

The filing of this petition meets the timeliness requirement of 37 C.F.R. 181(f), which requires that the petition be filed within two months of the date of mailing of the notice of abandonment.

Evidence of Timely Reply to Outstanding Office Action

The Patent Office mailed a Notice of Allowance on October 25, 2004. A non-extendable statutory period for reply was set at 3 months from the date of mailing of the Notice. On January 13, 2005, Applicants' Paralegal transmitted to the Commissioner of Patents, via facsimile to (703) 746-4000, the PTOL-85 Part B – Fee Transmittal Form, duly executed and authorizing the USPTO to charge the issue fee and publication fee to Applicants' deposit account.

In support of its petition to withdraw the holding of abandonment, Applicants submit the following:

- 1) A copy of the executed PTOL-85 part B – Fee Transmittal Form, dated January 13, 2005 and a facsimile cover sheet, both of which contains an executed Certification of Facsimile Transmission, signed by Applicants' Paralegal, Darryl Pratcher, and dated January 13, 2005.
- 2) A copy of the facsimile transmission confirmation document evidencing the receipt by the USPTO of the above-referenced fee transmittal form on January 13, 2005.

To the best of my knowledge and belief, all copies submitted herewith are true and accurate copies of the originals. Because the response to the Notice of Allowance was timely filed within the time period and all associated fees were previously authorized to be paid, it is respectfully submitted that the notice of abandonment of this application should be withdrawn. Since the Notice of Abandonment indicates that the fees were not received, Applicants authorize the Commissioner to charge the issue fee and publication fee to Applicants' Deposit Account No. 50-0573. Please notify the undersigned of the effective change of status of this application.

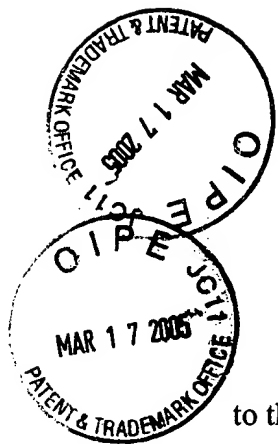
Respectfully submitted,

March 15, 2005


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/dp

file



MORGAN, LEWIS & BOCKIUS, L.L.P.

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Darryl Pratcher

Signature

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TO: Mail Stop Issue Fee

FAX No.: (703) 746-4000

Group Art Unit: N/A

Date: January 13, 2005

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Title of Paper sent via Facsimile:

PTOL-85 Part B

Morgan, Lewis File No: 59995-5002-01

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
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 P.O. Box 1450
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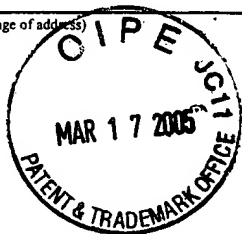
or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

028977 7590 10/25/2004

MORGAN, LEWIS & BOCKIUS LLP
 1701 MARKET STREET
 PHILADELPHIA, PA 19103-2921



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Darryl Ratcher (Depositor's name)
 Darryl Ratcher (Signature)
 January 13, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,821	06/01/2000	Yuan-Di Chang Halvorsen	5750-8B	4699

TITLE OF INVENTION: METHODS AND COMPOSITIONS FOR THE DIFFERENTIATION OF HUMAN PREADIPOCYTES INTO ADIPOCYTES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$0	\$1370	01/25/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
SAUCIER, SANDRA E	1651	514-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Morgan, Lewis
 2 + Bockius, LLP
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Artcel Sciences, Inc.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Durham, NC

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-0310 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Quang Nguyen

Typed or printed name

Quang Nguyen

Date

January 13, 2005

Registration No.

52,066

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Darryl Pratcher 1/13/05

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Date

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Group Art Unit: N/A

Date: January 13, 2005

From: Darryl Pratcher

FAX Operator: D. Pratcher

Re: 59995-5002-01

Title of Paper sent via Facsimile:

PTOL-85 Part B

Morgan, Lewis File No: 59995-5002-01

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